

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

JUN - 1 2004

LUTHER D. THOMAS, Clerk
By: *Judith Motz* Deputy Clerk

IN RE:

ELECTRONIC CASE FILING
AND ADMINISTRATIVE PROCEDURES

STANDING ORDER No. 04-01

ORDER

Federal Rules of Civil Procedure 5 and 83 and Federal Rule of Criminal Procedure 57 authorize the Court to establish practices and procedures for filing, signing, and verifying documents by electronic means.

IT IS THEREFORE ORDERED:

1. Effective July 15, 2004, documents may be filed, signed, and verified by electronic and other means to the extent and in the manner authorized by this Standing Order, Local Rule 5.1 A. NDGa., and the administrative procedures attached hereto as Exhibits A and B, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil and Criminal Cases in the United States District Court for the Northern District of Georgia (Administrative Procedures).

2. Effective July 15, 2005, absent good cause shown and the permission of the Court, attorneys in good standing admitted to practice before the Bar of this Court, to include attorneys admitted *pro hac vice*, will file, sign, and verify documents only by electronic means to the extent and in the manner authorized by this Standing Order, Local Rule 5.1 A. NDGa., and the administrative procedures attached hereto as Exhibits A and B, Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means in Civil and Criminal Cases in the United States District Court for the Northern District of Georgia (Administrative Procedures).

3. The Administrative Procedures are intended to be consistent with the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and this Court's Local Rules. Any conflicts should be brought to the Court's attention immediately.

4. The official record of the Court shall be the electronic file maintained by the Court and such paper files as are permitted by the Administrative Procedures.

5. The Clerk of Court will implement and publish the Administrative Procedures, and will register attorneys and issue individual logins and passwords consistent with those procedures to permit electronic filing and notice of pleadings and other documents.

6. Pro se litigants who are not attorneys in good standing admitted to the Bar of this Court must file all documents with the Court in paper form.

7. The electronic filing of a petition, pleading, motion, or other paper by an attorney who is a registered participant in the Court's Electronic Case Filing System shall constitute the signature of that attorney under the Federal Rules of Civil Procedure and the federal Rules of Criminal Procedure. The attorney whose login and password are used to accomplish an electronic filing certifies that the attorney and the attorney's law firm have authorized the filing.

8. No attorney shall knowingly permit or cause to permit his/her login or password to be used by anyone other than an authorized employee of his/her law firm.

9. No person shall knowingly use or cause another person to use the login or password of a registered attorney unless such person is an authorized employee of the law firm.

10. The electronic filing of a pleading or other paper in accordance with the Court's Administrative Procedures shall constitute entry of that pleading or other paper on the docket kept by the Clerk under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

11. The fact that a party files a document electronically does not alter the filing deadline for that document.

12. The Clerk's Office shall enter all orders, decrees, judgments, and proceedings of the Court in accordance with the Administrative Procedures, which shall constitute entry of the orders, decrees, judgments, and proceedings on the docket kept by the Clerk under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Any order filed electronically without the original signature of a judge shall have the same force and effect as if the judge had affixed his or her signature to a paper copy of the order and it had been entered in a conventional manner.

13. Whenever a pleading or other paper is filed electronically in accordance with the Administrative Procedures, the Clerk's Office shall serve the filing party with a "Notice of Electronic Filing" by electronic means at the time of docketing.

14. The filing party shall serve the pleading or other document upon all persons entitled to receive notice or service in accordance with the applicable rules and Administrative Procedures.

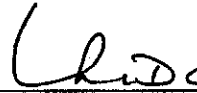
15. Receipt of a Electronic Case Filing login and password constitute a request for electronic service and electronic notice pursuant to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

16. A pleading or document that a person signs and thereby verifies, certifies, declares, affirms, or swears under oath or penalty of perjury concerning the truth of the matters set forth in that pleading or document is a "Verified Pleading." An attorney filing a Verified Pleading shall thereafter maintain in his or her office the original Verified Pleading in its entirety for a period ending five (5) years after expiration of the time for filing a timely appeal. The filing of a Verified Pleading constitutes a representation by the attorney who files it that the attorney has in his or her possession at the time of filing the fully executed original Verified Pleading.

17. This Order is effective July 15, 2004, and shall be published together with Exhibits A and B as Appendix H to the Local Rules, Northern District of Georgia.

Dated this 1 day of June 2004.

BY THE COURT:



ORINDA D. EVANS

Chief United States District Court Judge

CIVIL CASES

**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

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**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS
BY ELECTRONIC MEANS IN CIVIL CASES**

DEFINITIONS

1. "Electronic Case Filing System" (ECF) refers to the court's automated system that receives documents filed in electronic form. The program was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
2. "Electronic filing" means uploading a pleading or document directly from the registered user's computer, using the Court's ECF system, to file that pleading or document in the Court's case file. Sending a document or pleading to the Court via email does not constitute "electronic filing".
3. "Notice of Electronic Filing" (NEF) is a notice automatically generated by ECF at the time a document is filed, setting forth the time and date of filing, the name of the party and attorney filing the documents, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink to the filed document, which allows recipients to retrieve the document automatically. The NEF also contains a security code of the document filed which can be used to ensure that the document as it was filed is not tampered with in any way.
4. "Public Access to Court Electronic Records" (PACER) is an automated system that allows an individual to view, print and download court docket information over the internet.
5. "Portable Document Format" (PDF). A document created with a word processor or a paper document which has been scanned must be converted to portable document format to be filed electronically with the Court. Converted files contain the extension ".pdf". The program takes a "picture" of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links and images intact. For information on PDF, users may visit the websites of PDF vendors, such as www.adobe.com or www.fineprint.com.
6. "Technical failure" is defined as a malfunction of Court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer's equipment or internet connection.
7. "Proposed Order" is a draft document submitted by an attorney for a judge's signature. A proposed order shall accompany a motion or other request for relief as an electronic attachment to the document.

I. THE ELECTRONIC CASE FILING SYSTEM

A. IN GENERAL. All documents submitted for filing in civil cases in this district after July 15, 2004, regardless of the original filing date of the case, shall be filed electronically using the Electronic Case Filing system ("ECF") or shall be scanned and uploaded to ECF, unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge. Documents may also be submitted for filing to the Clerk's Office on 3.5" disks or CD-ROM as Portable Document Format ("PDF") files. Although permitted by these procedures, scanning and uploading a document should be used by filers only as a last resort when conversion of the document into .pdf format is not feasible. Any party presenting a 3.5" disk or a CD ROM to be filed will also present a paper "Notice of Filing of Electronic Media", signed by the party and describing the documents on the disk or CD. (See Form E to these Procedures.)

Those members of the bar who do not intend to file electronically at the earliest opportunity, must nonetheless register for a login and password in order to facilitate the Court and other electronic filers' use of electronic noticing.

Unless otherwise specified, a paper courtesy copy of all summary judgment motions, to include exhibits, and any response to such motions is required to be filed with the assigned judge.

1. Effective July 15, 2005, absent good cause shown, attorneys in good standing admitted to practice before the Bar of this Court, to include attorneys admitted *pro hac vice*, must file civil pleadings electronically using the ECF System.

2. Unless an attorney in good standing and admitted to practice before the Bar of this Court, parties proceeding *pro se* shall not file electronically. (See III(b) of these Procedures).

3. The filing of social security cases shall be subject to the limitations imposed in III(C) of these procedures.

4. A case filed under seal will be maintained in paper form until the assigned judge orders the case unsealed. For information on the procedure for sealed documents in an unsealed case, see section III (A) of these Procedures.

5. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time and require the attorney to file documents electronically using ECF.

An attorney seeking the Court's permission to file conventionally rather than electronically, will file a paper "Request for Leave to File Conventionally" setting forth in detail the reasons supporting the request, together with a "Proposed Order Granting Leave to File Conventionally." Such requests will be provided to the judge to whom the filer's case is

assigned, or, in those cases in which a case has not been filed or the case has not yet been assigned, to the duty judge.

6. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

B. LOGINS & PASSWORDS. Each attorney admitted to practice in the Northern District of Georgia shall be entitled to one ECF login. The login and associated password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her login to be utilized by anyone other than an authorized employee of his or her office.

2. Once registered, the attorney shall be responsible for all documents filed with his or her login.

3. Registration for a login is governed by Paragraph I(C).

4. An attorney admitted *pro hac vice* must register for a login in accordance with these Administrative Procedures.

C. REGISTRATION.

1. Attorneys admitted to the bar of this Court, including attorneys admitted *pro hac vice*, must complete and submit an Attorney Registration Form online from the Court's web page (www.GAND.uscourts.gov), or may use the Registration Form attached to these procedures as Form A and mail or deliver the Registration Form to the Clerk's Office. An ECF login and password will be mailed back to the attorney and he/she may then access ECF to file pleadings electronically.

The court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.1.

2. To ensure that the Clerk's Office has correctly entered a registering attorney's email address in ECF, the Clerk's Office will send the attorney an email message after assigning the attorney a login and password. The Clerk's Office will then either mail login information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her login information at the Clerk's Office.

3. Once registered, an attorney may withdraw from participating in ECF by providing the Clerk's Office with a notice of withdrawal. Such notice must be in writing, and mailed or delivered to United States District Court for the Northern District of Georgia, 2211 United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303-3309. Upon receipt, the Clerk's

Office will immediately cancel the attorney's password and delete the attorney's email address from any applicable electronic service list. An attorney's withdrawal from participation in ECF shall not be construed as authorization to file cases or documents conventionally.

4. After registering, attorneys may change their passwords. If at any time an attorney believes that the security of an existing password has been compromised and/or that a threat to ECF exists, the attorney must change his/her password immediately. In addition, the attorney must immediately notify the Clerk's Office by telephone of the security issue.

5. An attorney whose email address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties of the cases in which the attorney was counsel of record. The attorney is responsible for keeping his/her email address updated in ECF.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. Complaints and Other Initial Filings.

- a. The initial pleading, civil cover sheet, payment of the filing fee and issuance and service of the summons must be filed conventionally in paper form, not electronically. Attorneys are required, however, to submit a duplicate original of these documents on 3.5" disks or a CD as PDF files.
- b. A party may not electronically serve a complaint or summons, but instead must perfect service according to Federal Rule of Civil Procedure 4.
- c. New cases are deemed filed the day the Clerk's Office receives the complaint and any required filing fee.

2. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case to include attachments to the extent feasible shall be electronically filed on ECF except as otherwise provided by these administrative procedures.

3. Emailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Civil Procedure until the filing party receives an ECF-generated "Notice of Electronic Filing" described in II(B)1 of these procedures.

4. The Notice of Electronic Filing reflects the time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of

Electronic Filing reflects a time prior to midnight. However, the assigned judge may order that a document be filed by a time certain, which then becomes the filing deadline.

5. If filing a document requires leave of the court, such as an amended complaint or a reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.

6. Attachments and exhibits larger than two megabytes (2 MB) may be filed electronically in separate 2MB (or less) segments or may be submitted to the Clerk's Office in conventional format.

7. The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures except as otherwise provided herein. The official court record shall be the electronic file maintained on the court's servers. The official record shall include, however, initiating documents and other conventional documents or exhibits filed in accordance with these procedures.

- a. Except as provided above, the Clerk's Office will discard all original documents brought to the Clerk's Office for filing after they are scanned and uploaded to ECF.¹
- b. Documents that are electronically filed and require an original signature other than that of the filer should be maintained in paper form by the filer until five (5) years after the expiration of the time for filing a timely appeal.
- c. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the documents. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

8. Official and contract Court Reporters will submit to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable. Official and contract court reporters must also either file the certified transcript of those proceedings electronically on ECF or submit a 3.5" disk or CD containing the certified transcript of the proceedings in PDF to the Clerk's Office for uploading.

¹ If an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures for scanning and uploading.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF shall generate a "Notice of Electronic Filing" to the filing party, and any other party who is a registered user and has requested electronic notice in that case.²

- a. If the recipient is a registered participant of ECF, the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
- b. Service of the "Notice of Electronic Filing" on a party who is not a registered participant in ECF may be accomplished by email, subject to the additional service requirements of B(3) below.

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.

3. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the "Notice of Electronic Filing" to provide the recipient with proof of the filing.

4. The three-day rule of Federal Rule of Civil Procedure 6(e) for service by mail shall also apply to service by electronic means.³

5. A filer who elects to bring a document to the Clerk's Office for scanning and uploading to ECF must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document.

C. SIGNATURES.

1. Attorney Signature.

² To determine whether another party is a registered user, the filer can select ECF's "Utilities" category, then click on "Mailings" on the pull-down menu, and then "Mailing Information for a Case". The filer then enters the case number and the ECF information will appear, stating whether or not the filer must mail a copy or if ECF will electronically generate one.

³ Attorneys should be aware that the submission due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

- a. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on disk or CD to the Clerk's Office: "s/ (attorney name) ." The correct format for an attorney signature is as follows:

s/ John Doe, Esq.

Attorney Bar Number: xxxxxx

Attorney for (Party Name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: john_doe@abclaw.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document, nor reasonably should have known of the contents of the documents, and who can show that he or she was adversely impacted by the document, and has reason to believe either that the signature on the document or the document itself is not authentic, must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

2. Multiple Signatures.

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney then shall file the document electronically or submit it to the Clerk's Office on disk, indicating the signatories, *e.g.*, "s/ Jane Doe," "s/ John Doe," etc. The correct format for each signature is as follows:

s/ Jane Doe, Esq.

Attorney Bar Number: xxxxxx

Attorney for (Party name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: jane_doe@abclaw.com

- c. A non-filing signatory or party who disputes their acceptance of the contents of the document, the authenticity of an electronically filed document containing multiple signatures, or the authenticity of the signatures themselves must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document, nor reasonably should have known of the contents of the documents, and who can show that he or she was adversely impacted by the document, and has reason to believe either that the signature on the document or the document itself is not authentic, must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

3. Non-Attorney Signature.

- a. If the original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it on ECF.
- b. The electronically filed document as maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.
- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document, nor reasonably should have known of the contents of the documents, and who can show that he or she was adversely impacted by the document, and has reason to believe either that the signature on the document or the document itself is not authentic, must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by cash, check, U.S. Postal money order, or cashier's check. The Atlanta Division will accept payment by credit card (MasterCard, Visa, American Express, Diner's Club, and Discover. Debit cards with a MasterCard or Visa logo are acceptable and treated as a credit card transaction.) Checks, money orders and cashier checks are to be made payable to "Clerk, United States Courts". A law firm check will be accepted for

payment by attorneys. The Clerk's Office will note the receipt of fees on the docket. The court will not maintain electronic billing or debit accounts for attorneys or law firms.

Gainesville, Newnan and Rome Divisions do not accept credit cards, but otherwise accept payments as stated above.

E. ORDERS.

1. The assigned judge or the Clerk's Office shall electronically file all orders. Any order entered electronically has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order and it had been entered on the docket conventionally.

2. When filing a motion for which no supporting brief is required, a proposed order granting the motion and setting forth the requested relief shall be included with the electronic filing as an attachment.

3. When mailing paper copies of an electronically filed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing.

4. The assigned judge or the Clerk's Office, if appropriate, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue; the text-only entry shall constitute the court's only order on the matter and will have the same force and effect as if the judge had issued a conventional paper order. ECF will generate a "Notice of Electronic Filing" as described in II(B)(1) of these procedures.

F. TITLE OF DOCKET ENTRIES. The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.⁴

G. CORRECTING DOCKET ENTRIES.

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.

2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not detecting the error before the transaction is completed. **The filing party should not attempt to refile the document.**

3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being

⁴ Readers may view the "CM/ECF Civil Menu for Attorneys" on the court's web site, <http://www.gand.uscourts.gov/cmecf/index.html>

requested. In the event that the document incorrectly attached contains sensitive information, the filing party may request that electronic access to the information be limited to Court personnel until he or she can petition the presiding judge for deletion of the document or other relief as appropriate. The Clerk's Office also has the discretion to limit access to documents it perceives contain sensitive information and were incorrectly filed. In those instances when the Clerk's Office exercises its discretion, the filing party will be notified immediately to confirm that the document was filed incorrectly and that the party desires that the limited access continue so that he or she may seek appropriate relief from the Court. If appropriate, the court will make a corrective entry indicating the original error. If the docket entry is correct, but the document filed is incorrect, the filing party will be advised to refile the document electronically. Refiling the document does not entitle the filer to an extension of filing deadlines. If the docket entry is incorrect, but the attached document is correct, the Clerk's office may make the appropriate corrective changes to the docket entry consistent with Clerk's Office internal procedures. No substitution of documents by Clerk's Office staff is permissible.

H. TECHNICAL FAILURES. The Clerk's Office shall deem the Northern District of Georgia ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible. An attorney may timely file a declaration seeking relief from the court for not meeting the deadline as a result of a technical failure. (Form C).

Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

I. PRIVACY.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all filings, whether filed electronically or on paper, unless the assigned judge orders otherwise.

- a. Minors' names: Use the minors' initials;
- b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- c. Social Security numbers: Use only the last four numbers; and
- d. Dates of birth: Use only the year.

Filing parties should review Standing Order 02-01, October 17, 2002, In the Matter of Adopting a Policy On Sensitive Information and Public Access to Electronic Case Files, on the Court's web page for a complete statement of the Court's privacy policy.

2. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

III. CONVENTIONAL FILING OF DOCUMENTS

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures. Paper documents should be printed on only one side of the page.

When a document has been filed conventionally, a "Notice of Manual Filing" (Form D) should be electronically filed, naming the document that was filed conventionally and stating the reason for conventional (rather than electronic) filing. (In the event that a party cannot file the requisite Notice of Manual Filing electronically, the party must file the Notice conventionally.)

A. DOCUMENTS TO BE FILED UNDER SEAL. A motion or application to file documents under seal must be filed in paper form, not electronically, along with a proposed order and the documents the party is seeking to seal. Sealed documents will not be accessible on ECF. A Notice of Manual Filing is not required for sealed documents in civil cases.

B. PRO SE FILERS. Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk's Office will scan these original documents and upload them into ECF, but will also maintain a paper file.

C. SOCIAL SECURITY CASES. Absent a showing of good cause, all documents, notices, and orders in Social Security reviews filed in the District Court after ECF is implemented shall be filed and noticed electronically, except as noted below.

1. All Social Security documents and cases will be filed and served according to II(A)(2) of these procedures.

2. Social Security transcripts will be conventionally filed and served since scanning those documents and filing or retrieving them electronically is impractical at this time. Because Social Security transcripts will not be scanned or otherwise placed into ECF, the Clerk's Office will docket a text-only event stating that the transcript is available in paper format at the Clerk's Office.

3. To address the privacy issues inherent in a Social Security review, access to the individual documents will be limited to counsel and court staff. Docket sheets, however, will be available over the Internet to non-parties. Further, non-parties will continue to have direct access to the documents on file at the Clerk's Office.

IV. EXHIBITS

A. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION. In general, evidence in support of or in opposition to a motion should be filed electronically, rather than conventionally. (Exhibits that are not filed, but are submitted in conventional form during a hearing, will be maintained in conventional format.)

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of or in opposition to a motion shall also file electronically a document indexing each item of evidence being filed. Each item of evidence should be filed as a separate attachment to the motion to which it relates.

2. Whenever feasible a filing party must scan a paper exhibit that is less than 2 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 2 MB as separate attachments of 2 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates.

6. Copies of conventionally filed supporting materials shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents.

B. EVIDENCE NOT IN SUPPORT OF OR IN OPPOSITION TO A MOTION.

1. Whenever feasible a filing party must scan a paper exhibit that is less than 2 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 2 MB as separate attachments of 2 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

2. A party may conventionally submit exhibits which are not available in electronic form or which exceed 2MB in size. The Clerk's Office will note on the docket its receipt of the

document(s) or exhibit(s) with a text-only entry. Any document filed conventionally will be noted in a Notice of Manual Filing.

3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. Exhibits submitted conventionally shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents. Exhibits filed conventionally will be listed in an electronically filed Notice of Manual Filing.

V. PUBLIC ACCESS TO CM/ECF

A. PUBLIC ACCESS AT THE COURT. Access to the electronic docket and documents filed in ECF is available to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. §1914.

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

B. INTERNET ACCESS. Remote electronic access to ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has determined that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases, but excluding review of calendars and similar general information.⁵

⁵ According to a memorandum from the Administrative Office of the United States Courts dated October 20, 2003, non-judiciary CM/ECF users will be charged a fee of seven cents per page to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of \$2.10 per document has been approved, however this cap does not apply to transcripts. The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

FORM A
United States District Court - Northern District of Georgia
ELECTRONIC FILING
ATTORNEY REGISTRATION FORM

This form is used to register for an account on the Northern District of Georgia Electronic Filing System (ECF). Registered attorneys will have privileges to electronically file documents and to view the electronic docket sheets and documents. By registering, you consent to receiving electronic notice of filings through ECF. **PLEASE TYPE**

Mr. / Ms. (circle one) Last name: _____ If appropriate circle one: Sr. / Jr. / II / III

First name: _____ Middle name: _____ Bar ID # _____

Are you currently active and in good standing with the State Bar of Georgia? Yes _____ No _____ Last 4 digits of SS# _____

Highest state court admitted to: _____

Firm name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Have you relocated to this address within the past year? Yes _____ No _____

Firm Telephone Number (_____) _____ Direct Line: (_____) _____

Internet Address: _____

Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Northern District of Georgia pursuant to Local Rule 83.1. Please complete whichever of the following applies to you:

Date admitted to practice in this Court: _____

If U.S. Dept. of Justice Attorney, check here: _____

If admitted *pro hac vice*: Date *phv* granted: _____ in case number: _____
(If more than one, note only the most recent.)

If attorney of record in MDL action, indicate case number: _____
(If more than one, note only the most recent.)

By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the Electronic Case Filing System. The undersigned also consents to receiving notice of filings pursuant to Fed.R.Civ.P. 5(b) and 77(d) via the Court's Electronic Filing System. The combination of login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their login and immediately notify the Court if they learn that their login has been compromised.

Signature of Registering Attorney

Date

Submit completed Registration Form to:

United States District Court
Attn: Electronic Filing System Registration
2211 U.S. Courthouse
75 Spring Street, SW
Atlanta, Georgia 30303-3362

Once your registration is complete, you will receive your user id and password needed to access ECF by U.S. Mail. Procedures for using the system will be available for downloading when you access ECF via the Internet. You may contact the Electronic Filing Help Desk in the Clerk's Office at 404-215-1600 if you have any questions concerning the registration process or the use of the Electronic Case Filing System.

FORM B

SAMPLE FORMATS

CERTIFICATE OF SERVICE

Sample 1

I hereby certify that on (Date) , I electronically filed (Name of Document) with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Attorney names
Address to which mailed

s/Name of ECF-Registered Attorney
Georgia Bar No. xxxxxx
Attorney for (Name of Party)

Firm Name
Firm Address
City, State, Zip
Telephone: (xxx) xxx-xxxx
Email: xxxxxx@xxxx.xxx

Sample 2

I hereby certify that on (Date) , I presented (Name of Document) to the Clerk of the Court for filing and uploading to the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Attorney name
Address

s/Name of ECF-Registered Attorney
Georgia Bar No. xxxxxx
Attorney for (Name of Party)

Firm Name
Firm Address
City, State, Zip
Telephone: (xxx) xxx-xxxx
Email: xxxxxx@xxxx.xxx

FORM C

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
_____ DIVISION**

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that **[Plaintiff / Defendant / Name of Party]** was unable to file the attached **[Title of Document]** in a timely manner due to technical difficulties. The deadline for filing this document was **[Filing Deadline Date]**. The reason(s) that I was unable to file the document in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/ (Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxx@xxxx.xxx

FORM D

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
_____ DIVISION**

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

NOTICE OF MANUAL FILING

Please take notice that [Plaintiff / Defendant] has manually filed the following document or thing:

[Title of document or thing.]

This document was not filed electronically because [the document or thing cannot be converted to an electronic format / the electronic file size of the document exceeds 2MB / the document or thing is filed under seal / [Plaintiff/Defendant] is excused from filing this document or thing electronically by Court order.]

The document or thing has been manually served on all parties.

Respectfully submitted,

s/ (Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxx@xxxx.xxx

FORM E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
_____ DIVISION**

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

NOTICE OF FILING ELECTRONIC MEDIA

Please take notice that **[Plaintiff / Defendant]** has filed the following document on either a 3.5" disk or CD ROM:

[Title of document.]

The document has been served on all parties.

Respectfully submitted,

s/ (Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxx@xxxx.xxx

CRIMINAL CASES

**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING
PLEADINGS AND PAPERS BY ELECTRONIC MEANS**

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

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**ADMINISTRATIVE PROCEDURES
FOR FILING, SIGNING, AND VERIFYING PLEADINGS AND PAPERS
BY ELECTRONIC MEANS IN CRIMINAL CASES**

DEFINITIONS

1. "Electronic Case Filing System" (ECF) refers to the court's automated system that receives documents filed in electronic form. The program was developed for the Federal Judiciary by the Administrative Office of the United States Courts.
2. "Electronic filing" means uploading a pleading or document directly from the registered user's computer, using the Court's ECF system, to file that pleading or document in the Court's case file. Sending a document or pleading to the Court via email does not constitute "electronic filing".
3. "Notice of Electronic Filing" (NEF) is a notice automatically generated by ECF at the time a document is filed, setting forth the time and date of filing, the name of the party and attorney filing the documents, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and a hyperlink to the filed document, which allows recipients to retrieve the document automatically. The NEF also contains a security code of the document filed which can be used to ensure that the document as it was filed is not tampered with in any way.
4. "Public Access to Court Electronic Records" (PACER) is an automated system that allows an individual to view, print and download court docket information over the internet.
5. "Portable Document Format" (PDF). A document created with a word processor or a paper document which has been scanned must be converted to portable document format to be filed electronically with the Court. Converted files contain the extension ".pdf". The program takes a "picture" of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links and images intact. For information on PDF, users may visit the websites of PDF vendors, such as www.adobe.com or www.fineprint.com.
6. "Technical failure" is defined as a malfunction of Court owned/leased hardware, software, and/or telecommunications facility which results in the inability of a filer to submit a document electronically. Technical failure does not include the malfunctioning of a filer's equipment or internet connection.
7. "Proposed Order" is a draft document submitted by an attorney for a judge's signature. A proposed order shall accompany a motion or other request for relief as an electronic attachment to the document.

I. THE ELECTRONIC CASE FILING SYSTEM

A. IN GENERAL. All documents submitted for filing in criminal cases in this district after July 15, 2004, regardless of the original filing date of the case, shall be filed electronically using the Electronic Case Filing system ("ECF") or shall be scanned and uploaded to ECF, unless otherwise permitted by these administrative procedures or unless otherwise authorized by the assigned judge. Documents may also be submitted for filing to the Clerk's Office on 3.5" disks or CD's as Portable Document Format ("PDF") files. Although permitted by these procedures, scanning and uploading a document should be used by filers only as a last resort when conversion of the document into .pdf format is not feasible. Any party presenting a 3.5" disk or a CD ROM to be filed will also present a paper "Notice of Filing of Electronic Media" signed by the party and describing the documents on the disk or CD. (See Form E to these Procedures.)

Those members of the bar who do not intend to file electronically at the earliest opportunity, must nonetheless register for a login and password in order to facilitate the Court and other electronic filers' use of electronic noticing.

Unless otherwise specified, a paper courtesy copy of all summary judgment motions, to include exhibits, and any response to such motions is required to be filed with the assigned judge.

1. Effective July 15, 2005, absent good cause shown, attorneys in good standing admitted to practice before the Bar of this Court, to include attorneys admitted *pro hac vice*, must file civil pleadings electronically using the ECF System.

2. Unless an attorney in good standing and admitted to practice before the Bar of this Court, parties proceeding *pro se* shall not file electronically. (See III(b) of these Procedures).

3. Juvenile criminal matters shall not be filed electronically unless the court rules that the juvenile shall be tried as an adult.

4. A case filed under seal will be maintained in paper form until the assigned judge orders the case unsealed. For information on the procedure for sealed documents in an unsealed case, see section III (A) of these Procedures.

5. While registered attorneys of record will have remote access to documents in criminal cases, no public remote access will be available until further order of the court.¹ Public

¹ On March 13, 2002, the Judicial Conference of the United States approved an exception to the prohibition on public access to criminal case records. In a high-profile criminal case where the demand for documents will "impose extraordinary demands on a court's resources," that court is authorized to provide Internet access to criminal case files "if all parties consent and the trial judge or presiding judge of an appellate panel find that such access would be warranted." On September 19, 2001, the Judicial Conference determined that the policy restricting remote public access to criminal records would be "re-examined with the next two years".

access to docket sheets in criminal cases, however, will be available. Also, members of the public may view electronic criminal files at the public terminals in the Clerk's Office.

6. An attorney may apply to the assigned judge for permission to file documents conventionally. Even if the assigned judge initially grants an attorney permission to file documents conventionally, the assigned judge may withdraw that permission at any time and require the attorney to file documents electronically using ECF.

An attorney seeking the Court's permission to file conventionally rather than electronically, will file a paper "Request for Leave to File Conventionally" setting forth in detail the reasons supporting the request, together with a "Proposed Order Granting Leave to File Conventionally." Such requests will be provided to the judge to whom the filer's case is assigned, or, in those cases in which a case has not been filed or the case has not yet been assigned, to the duty judge.

7. The Clerk's Office or any judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of matters pending before the court. The court may also amend these procedures at any time without prior notice.

B. LOGINS & PASSWORDS. Each attorney admitted to practice in the Northern District of Georgia shall be entitled to one ECF login. The login and associated password permits the attorney to participate in the electronic retrieval and filing of pleadings and other papers.

1. No attorney shall knowingly permit or cause to permit his or her login to be utilized by anyone other than an authorized employee of his or her office.

2. Once registered, the attorney shall be responsible for all documents filed with his or her login.

3. Registration for a login is governed by Paragraph I(C).

4. An attorney admitted *pro hac vice* must register for a login in accordance with these Administrative Procedures.

C. REGISTRATION.

1. Attorneys admitted to the bar of this Court, including attorneys admitted *pro hac vice*, must complete and submit an Attorney Registration Form online from the Court's web page (www.GAND.uscourts.gov), or may use the Registration Form attached to these procedures as Form A and mail or deliver the Registration Form to the Clerk's Office. An ECF login and password will be mailed back to the attorney and he/she may then access ECF to file pleadings electronically.

The court will issue logins and passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements in Local Rule 83.1.

2. To ensure that the Clerk's Office has correctly entered a registering attorney's email address in ECF, the Clerk's Office will send the attorney an email message after assigning the attorney a login and password. The Clerk's Office will then either mail login information to the attorney by regular, first-class mail, or the attorney may arrange to pick up his/her login information at the Clerk's Office.

3. Once registered, an attorney may withdraw from participating in ECF by providing the Clerk's Office with a notice of withdrawal. Such notice must be in writing, and mailed or delivered to United States District Court for the Northern District of Georgia, 2211 United States Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303-3309. Upon receipt, the Clerk's Office will immediately cancel the attorney's password and delete the attorney's email address from any applicable electronic service list. An attorney's withdrawal from participation in ECF shall not be construed as authorization to file cases or documents conventionally.

4. After registering, attorneys may change their passwords. If at any time an attorney believes that the security of an existing password has been compromised and/or that a threat to ECF exists, the attorney must change his/her password immediately. In addition, the attorney must immediately notify the Clerk's Office by telephone of the security issue.

5. An attorney whose email address, mailing address, telephone or fax number has changed from that of the original Attorney Registration Form shall timely file a notice of a change of address and serve a copy of the notice on all other parties of the cases in which the attorney was counsel of record. The attorney is responsible for keeping his/her email address updated in ECF.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. Charging Documents.

The filing of the initial papers, including the complaint, information, and indictment in a criminal case will be filed in paper form, not electronically. The United States Attorney will, however, submit a duplicate original of these papers on a 3.5" disk or a CD as PDF file.

2. Other criminal documents (in addition to charging papers, mentioned above) exempted from the electronic filing requirement are as follows:

- a. Affidavits for search warrants and related papers;
- b. Fed.R.Crim.P. 20 and Fed.R.Crim.P. 40 papers received from another court;
- c. Appearance bonds;

- d. Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement;
- e. Petitions for violations of supervised release; and
- f. Other documents filed under seal or ex parte.

3. All motions, pleadings, applications, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, or other documents in a case to include attachments to the extent feasible shall be electronically filed on ECF except as otherwise provided by these administrative procedures.

4. Emailing a document to the Clerk's Office or to the assigned judge shall not constitute "filing" of the document. A document shall not be considered filed for purposes of the Federal Rules of Criminal Procedure until the filing party receives an ECF-generated "Notice of Electronic Filing" described in II(B)1 of these procedures.

5. The Notice of Electronic Filing reflects the time the electronic transmission of a document is completed. Accordingly, a document will be deemed timely filed if the Notice of Electronic Filing reflects a time prior to midnight. However, the assigned judge may order that a document be filed by a time certain, which then becomes the filing deadline.

6. If filing a document requires leave of the court, such as a motion to submit a reply brief, the attorney shall attach the proposed document as an exhibit to the motion according to the procedures in IV(B). If the court grants the motion, the order will direct the attorney to file the document electronically with the court.

7. Attachments and exhibits larger than two megabytes (2 MB) may be filed electronically in separate 2MB (or less) segments or may be submitted to the Clerk's Office in conventional format.

8. The Clerk's Office shall not maintain a paper court file in any case begun after the effective date of these procedures except as otherwise provided herein. The official court record shall be the electronic file maintained on the court's servers. The official record shall include, however, initiating documents and other conventional documents or exhibits filed in accordance with these procedures.

- a. The Clerk's Office will retain all original indictments, petitions to enter plea of guilty, plea agreements, and other original documents containing original signatures as described in section II(A) of these procedures.

- b. Except as provided above, the Clerk's Office will discard all other original documents brought to the Clerk's Office for filing after they are scanned and uploaded to ECF.²
- c. An attorney who wishes to have an original document returned after the Clerk's Office scans and uploads it to ECF may, prior to submitting the document to the Clerk's Office, seek authorization from the assigned judge for the document's return. If return is granted by the judge, the attorney must provide a self-addressed, stamped envelope for the return of the documents. Authorization will be granted on a case-by-case basis. No standing authorizations for the return of all original documents filed by an attorney or office will be allowed.

9. Official and contract court reporters will submit to the Clerk's Office the tapes of transcribed proceedings and original notes, if applicable. Official and contract court reporters must also either file the certified transcript of those proceedings electronically on ECF or submit a 3.5" disk or CD containing the certified transcript of the proceedings in PDF to the Clerk's Office for uploading.

B. SERVICE.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF shall generate a "Notice of Electronic Filing" to the filing party, and any other party who is a registered user and has requested electronic notice in that case.³

- a. If the recipient is a registered participant of ECF, the "Notice of Electronic Filing" shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
- b. Service of the "Notice of Electronic Filing" on a party who is not a registered participant in ECF may be accomplished by email, subject to the additional service requirements of B(3) below.

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a certificate of service is attached to these procedures as Form B.

² If an attorney believes a document with original signatures has some intrinsic value, the attorney is encouraged to retain the original document and submit to the Clerk's Office a copy of the document with faxed or photocopied signatures for scanning and uploading.

³ To determine whether another party is a registered user, the filer can select ECF's "Utilities" category, then click on "Mailings" on the pull-down menu, and then "Mailing Information for a Case". The filer then enters the case number and the ECF information will appear, stating whether or not the filer must mail a copy or if ECF will electronically generate one.

3. A party who is not a registered participant of ECF is entitled to a paper copy of any electronically filed pleading, document, or order. The filing party must therefore provide the non-registered party with the pleading, document, or order according to the Federal Rules of Civil Procedure. When mailing paper copies of documents that have been electronically filed, the filing party must include the "Notice of Electronic Filing" to provide the recipient with proof of the filing.

4. The three-day rule of Federal Rule of Criminal Procedure 45 (c) for service by mail shall also apply to service by electronic means.⁴

5. A filer who elects to bring a document to the Clerk's Office for scanning and uploading to ECF must serve conventional copies on all non-registered parties to the case and should expect some delay in the uploading and subsequent electronic noticing of the document.

C. SIGNATURES.

1. Attorney Signature.

- a. A pleading or other document requiring an attorney's signature shall be signed in the following manner, whether filed electronically or submitted on disk or CD to the Clerk's Office: "s/ (attorney name) ." The correct format for an attorney signature is as follows:

s/ John Doe, Esq.

Attorney Bar Number: xxxxxxx

Attorney for (Party Name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: john_doe@abclaw.com

- b. Any party challenging the authenticity of an electronically filed document or the attorney's signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document, nor reasonably should have known of the contents of the documents, and who can show that he or she was adversely impacted by the document, and has reason to believe either that the signature on the document or the document itself is not authentic, must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

⁴ Attorneys should be aware that the submission due date, which appears when either electronically filing a motion or querying deadlines, is for court use only and should not be relied upon as an accurate computation of the response date.

2. Multiple Signatures.

- a. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the signatures of all parties on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney then shall file the document electronically or submit it to the Clerk's Office on disk, indicating the signatories, *e.g.*, "s/ Jane Doe," "s/ John Doe," etc. The correct format for each signature is as follows:

s/ Jane Doe, Esq.

Attorney Bar Number: xxxxxx

Attorney for (Party name)

ABC Law Firm

123 South Street

Atlanta, Georgia 30303

Telephone: (xxx) xxx-xxxx

Email: jane_doe@abclaw.com

- c. A non-filing signatory or party who disputes their acceptance of the contents of the document, the authenticity of an electronically filed document containing multiple signatures, or the authenticity of the signatures themselves must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document, nor reasonably should have known of the contents of the documents, and who can show that he or she was adversely impacted by the document, and has reason to believe either that the signature on the document or the document itself is not authentic, must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

3. Non-Attorney Signature.

- a. Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a U.S. Marshal, an officer from Pretrial Services or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and upload them to ECF. The electronically filed document as maintained on ECF shall constitute the official version of that record.
- b. If any other original document requires the signature of a non-attorney, the filing party or the Clerk's Office shall scan the original document, then electronically file it on ECF.

- c. The electronically filed document as maintained on the court's servers shall constitute the official version of that record. The court will not maintain a paper copy of the original document.
- d. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within ten days of receiving the Notice of Electronic Filing.

A person, not a party, who neither receives notice (actual or through counsel) of the document, nor reasonably should have known of the contents of the documents, and who can show that he or she was adversely impacted by the document, and has reason to believe either that the signature on the document or the document itself is not authentic, must challenge the document within ten days of the time they receive notice or should reasonably have known of the document's contents.

D. FEES PAYABLE TO THE CLERK. Any fee required for filing a pleading or paper in District Court is payable to the Clerk of the Court by cash, check, U.S. Postal money order, or cashier's check. The Atlanta Division will accept payment by credit card (MasterCard, Visa, American Express, Diner's Club, and Discover. Debit cards with a MasterCard or Visa logo are acceptable and treated as a credit card transaction.) Checks, money orders and cashier checks are to be made payable to "Clerk, United States Courts". A law firm check will be accepted for payment by attorneys. The Clerk's Office will note the receipt of fees on the docket. The court will not maintain electronic billing or debit accounts for attorneys or law firms.

Gainesville, Newnan and Rome Divisions do not accept credit cards, but otherwise accept payments as stated above.

E. ORDERS.

1. The assigned judge or the Clerk's Office shall electronically file all orders. Any order entered electronically has the same force and effect as if the judge had affixed his/her signature to a paper copy of the order and it had been entered on the docket conventionally.

2. When filing a motion for which no supporting brief is required, a proposed order granting the motion and setting forth the requested relief shall be included with the electronic filing as an attachment.

3. If a judge enters an order during a hearing, copies of the order will be distributed electronically after the hearing.

4. When mailing paper copies of an electronically filed order to a party who is not a registered participant of ECF, the Clerk's Office will include the Notice of Electronic Filing.

F. TITLE OF DOCKET ENTRIES. The party electronically filing a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the court.⁵

G. CORRECTING DOCKET ENTRIES.

1. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been accepted.

2. A document incorrectly filed in a case may be the result of posting the wrong PDF file to a docket entry, selecting the wrong document type from the menu, or entering the wrong case number and not detecting the error before the transaction is completed. **The filing party should not attempt to refile the document.**

3. As soon as possible after an error is discovered, the filing party should contact the Clerk's Office with the case number and document number for which the correction is being requested. In the event that the document incorrectly attached contains sensitive information, the filing party may request that electronic access to the information be limited to Court personnel until he or she can petition the presiding judge for deletion of the document or other relief as appropriate. The Clerk's Office also has the discretion to limit access to documents it perceives contain sensitive information and were incorrectly filed. In those instances when the Clerk's Office exercises its discretion, the filing party will be notified immediately to confirm that the document was filed incorrectly and that the party desires that the limited access continue so that he or she may seek appropriate relief from the Court. If appropriate, the court will make a corrective entry indicating the original error. If the docket entry is correct, but the document filed is incorrect, the filing party will be advised to refile the document electronically. Refiling the document does not entitle the filer to an extension of filing deadlines. If the docket entry is incorrect, but the attached document is correct, the Clerk's office may make the appropriate corrective changes to the docket entry consistent with Clerk's Office internal procedures. No substitution of documents by Clerk's Office staff is permissible.

H. TECHNICAL FAILURES. The Clerk's Office shall deem the Northern District of Georgia ECF site to be subject to a technical failure on a given day if the site is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 10:00 a.m. that day. Known systems outages will be posted on the web site, if possible. An attorney may timely file a declaration seeking relief from the court for not meeting the deadline as a result of a technical failure. (Form C).

Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical

⁵ Readers may view the "CM/ECF Civil Menu for Attorneys" on the court's web site, <http://www.gand.uscourts.gov/cmecf/index.html>

failure under these procedures nor excuse an untimely filing. A filer who cannot file a document electronically because of a problem on the filer's end must file the document conventionally.

I. PRIVACY.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, Pub. L. No. 107-347, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all filings, whether filed electronically or on paper, unless the assigned judge orders otherwise.

- a. Minors' names: Use the minors' initials;
- b. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;
- c. Social Security numbers: Use only the last four numbers; and
- d. Dates of birth: Use only the year.

Filing parties should review Standing Order 02-01, October 17, 2002, In the Matter of Adopting a Policy On Sensitive Information and Public Access to Electronic Case Files, on the Court's web page for a complete statement of the Court's privacy policy.

2. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's Office will not review documents for compliance with this rule, seal on its own motion documents containing personal data identifiers, or redact documents, whether filed electronically or on paper.

III. CONVENTIONAL FILING OF DOCUMENTS

The following procedures govern documents filed conventionally. The court, upon application, may also authorize conventional filing of other documents otherwise subject to these procedures. Paper documents should be printed on only one side of the page.

When a document has been filed conventionally, a "Notice of Manual Filing" (Form D) should be electronically filed, naming the document that was filed conventionally and stating the reason for conventional (rather than electronic) filing. (In the event that a party cannot file the requisite Notice of Manual Filing electronically, the party may file the Notice conventionally.)

A. DOCUMENTS TO BE FILED UNDER SEAL. A motion or application to file documents under seal must be filed in paper form, not electronically, along with a proposed order and the documents the party is seeking to seal. Sealed documents will not be accessible on ECF. No Notice of Manual Filing is required for sealed documents except sealed documents filed in an unsealed criminal case. In such cases, the Notice of Manual Filing may simply describe the document being filed as a "sealed document."

B. PRO SE FILERS. Pro se filers shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk's Office will scan these original documents and upload them into ECF, but will also maintain a paper file.

IV. EXHIBITS

A. EVIDENCE IN SUPPORT OF OR IN OPPOSITION TO A MOTION. In general, evidence in support of or in opposition to a motion should be filed electronically, rather than conventionally. (Exhibits that are not filed, but are submitted in conventional form during a hearing, will be maintained in conventional format.)

1. A party electronically submitting evidentiary materials to the Clerk's Office in support of or in opposition to a motion shall also file electronically a document indexing each item of evidence being filed. Each item of evidence should be filed as a separate attachment to the motion to which it relates.

2. Whenever feasible a filing party must scan a paper exhibit that is less than 2 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 2 MB as separate attachments of 2 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. A party submitting evidentiary materials in conventional format shall also file in conventional format an index of evidence listing each item of evidence being filed and identifying the motion to which it relates.

6. Copies of conventionally filed supporting materials shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents.

B. EVIDENCE NOT IN SUPPORT OF OR IN OPPOSITION TO A MOTION.

1. Whenever feasible a filing party must scan a paper exhibit that is less than 2 MB and submit the exhibit as a PDF file. Similarly, filing parties are expected to electronically file an exhibit greater than 2 MB as separate attachments of 2 MB or smaller whenever feasible. Only when division of the document into separate attachments is not feasible may the party file the document in conventional format.

2. A party may conventionally submit exhibits which are not available in electronic form or which exceed 2MB in size. The Clerk's Office will note on the docket its receipt of the document(s) or exhibit(s) with a text-only entry. Any document filed conventionally will be noted in a Notice of Manual Filing.

3. Because documents scanned in color or containing a graphic take much longer to upload, filing parties must configure their scanners to scan documents at 200 dpi and in black and white rather than in color. If a color document is critical to the case, an original color copy can be filed conventionally or may be scanned in color and then uploaded to ECF.

4. The filing party is required to verify the readability of scanned documents before filing them electronically with the court. (Similar to the copy process, images of scanned documents could contain pages which skewed during scanning or were omitted altogether.)

5. Exhibits submitted conventionally shall be served on other parties pursuant to section II(B)(3) of these Procedures governing service of conventional documents. Exhibits filed conventionally will be listed in an electronically filed Notice of Manual Filing.

V. PUBLIC ACCESS TO CM/ECF

A. PUBLIC ACCESS AT THE COURT. Access to the electronic docket and documents filed in ECF is available to the public at no charge at the Clerk's Office during regular business hours. A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. §1914.

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying will be in accordance with 28 U.S.C. §1914.

B. INTERNET ACCESS. Remote electronic access to ECF for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has determined that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in Criminal cases, but excluding review of calendars and similar general information.⁶

⁶ According to a memorandum from the Administrative Office of the United States Courts dated October 20, 2003, non-judiciary CM/ECF users will be charged a fee of seven cents per page to access electronic data such as docket sheets and case documents obtained remotely through the PACER system. A cap of \$2.10 per document has been approved, however this cap does not apply to transcripts. The access fee does not apply to official recipients of electronic documents, i.e., parties legally required to receive service or to whom service is directed by the filer in the context of service under Federal Rules of Criminal Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged seven cents a page.

FORM A
United States District Court - Northern District of Georgia
ELECTRONIC FILING
ATTORNEY REGISTRATION FORM

This form is used to register for an account on the Northern District of Georgia Electronic Filing System (ECF). Registered attorneys will have privileges to electronically file documents and to view the electronic docket sheets and documents. By registering, you consent to receiving electronic notice of filings through ECF. **PLEASE TYPE**

Mr. / Ms. (circle one) Last name: _____ If appropriate circle one: Sr. / Jr. / II / III

First name: _____ Middle name: _____ Bar ID # _____

Are you currently active and in good standing with the State Bar of Georgia? Yes _____ No _____ Last 4 digits of SS# _____

Highest state court admitted to: _____

Firm name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Have you relocated to this address within the past year? Yes _____ No _____

Firm Telephone Number (_____) _____ Direct Line: (_____) _____

Internet Address: _____

Attorneys seeking to file documents electronically must be admitted to practice in the United States District Court for the Northern District of Georgia pursuant to Local Rule 83.1. Please complete whichever of the following applies to you:

Date admitted to practice in this Court: _____

If U.S. Dept. of Justice Attorney, check here: _____

If admitted *pro hac vice*: Date *phv* granted: _____ in case number: _____
(If more than one, note only the most recent.)

If attorney of record in MDL action, indicate case number: _____
(If more than one, note only the most recent.)

By submitting this registration form, the undersigned agrees to abide by all Court rules, orders and policies and procedures governing the use of the Electronic Case Filing System. The undersigned also consents to receiving notice of filings pursuant to Fed.R.Civ.P. 5(b) and 77(d) via the Court's Electronic Filing System. The combination of login and password will serve as the signature of the attorney filing the documents. Attorneys must protect the security of their logins and immediately notify the Court if they learn that their login has been compromised.

Signature of Registering Attorney

Date

Submit completed Registration Form to:

United States District Court
Attn: Electronic Filing System Registration
2211 U.S. Courthouse
75 Spring Street, SW
Atlanta, Georgia 30303-3362

Once your registration is complete, you will receive your user id and password needed to access ECF by U.S. Mail. Procedures for using the system will be available for downloading when you access ECF via the Internet. You may contact the Electronic Filing Help Desk in the Clerk's Office at 404-215-1600 if you have any questions concerning the registration process or the use of the Electronic Case Filing System.

FORM B

SAMPLE FORMATS

CERTIFICATE OF SERVICE

Sample 1

I hereby certify that on (Date) , I electronically filed (Name of Document) with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Attorney names
Address to which mailed

s/ _____
Attorney's Name and Bar Number
Attorney for (Party Name)

Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax Number
Attorney's Email Address

Sample 2

I hereby certify that on (Date) , I presented (Name of Document) to the Clerk of the Court for filing and uploading to the CM/ECF system, which will automatically send email notification of such filing to the following attorneys of record:

List of attorney names

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Attorney name
Address

s/Name of Registered Attorney
Georgia Bar No. xxxxxx
Attorney for (Party Name)

Firm Name
Firm Address
City, State, Zip
Telephone: (xxx) xxx-xxxx
Email: xxxxxx@xxxx.xxx

FORM C

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
_____ DIVISION

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that **[Plaintiff / Defendant / Name of Party]** was unable to file the attached **[Title of Document]** in a timely manner due to technical difficulties. The deadline for filing this document was **[Filing Deadline Date]**. The reason(s) that I was unable to file the document in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the Court and the other parties that I could not do so are set forth below.

[Statement of reasons and good faith efforts to file and to inform (including dates and times)]

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

s/ (Name of Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Party Name)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxxx@xxxx.xxx

FORM D

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
_____ DIVISION**

Plaintiff Name

Plaintiff,

vs.

Defendant Name

Defendant.

Civil Action No.

NOTICE OF MANUAL FILING

Please take notice that **[Plaintiff / Defendant]** has manually filed the following document or thing:

[Title of document or thing.]

This document was not filed electronically because **[the document or thing cannot be converted to an electronic format / the electronic file size of the document exceeds 2MB / the document or thing is filed under seal / [Plaintiff/Defendant] is excused from filing this document or thing electronically by Court order.]**

The document or thing has been manually served on all parties.

Respectfully submitted,

s/ (Name of Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Party Name)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxxx@xxxx.xxx

FORM E

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
_____ DIVISION**

Plaintiff Name

Plaintiff,

vs.

Civil Action No.

Defendant Name

Defendant.

NOTICE OF FILING ELECTRONIC MEDIA

Please take notice that **[Plaintiff / Defendant]** has filed the following document or thing on either a 3.5" disk or CD ROM:

[Title of document or thing.]

This document was not filed electronically because **[the document or thing cannot be converted to .pdf / the document is exempted from electronic filing by the Electronic Filing Procedures of this Court/ the electronic file size of the document exceeds 2MB / the document or thing is filed under seal / [Plaintiff/Defendant] is excused from filing this document or thing by Court order.]**

The document or thing has been manually served on all parties.

Respectfully submitted,

s/ (Name of ECF-Registered Attorney)

Georgia Bar No. xxxxxx

Attorney for (Name of Party)

Firm Name

Firm Address

City, State, Zip

Telephone: (xxx) xxx-xxxx

Email: xxxxxxx@xxxx.xxx